IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellant:	**Huw Edward OLIVER**	) Examiner: Thanh T. VU
		)
Serial No.:	**10/724,318**	) Art Unit: 2174
		)
Filed:	November 26, 2003	) Our Ref: 300203613-2US
		) B-5271 621386-3
For:	"OBTAINING USER FEEDBACK ON	)
	DISPLAYED ITEMS"	) Date: March 31, 2008
		)
		) Re: *Appeal to the Board of Appeals*

BRIEF ON APPEAL

Commissioner for Patents

Sir:

      This is an appeal from the rejection dated October 30, 2007, for the above identified patent application. This Appeal Brief is being timely filed in support of the Notice of Appeal filed on January 30, 2008. Please deduct the amount of $510.00 for the fee set forth in 37 C.F.R. 1.17(c) for submitting this Brief from deposit account no. 08-2025.

REAL PARTY IN INTEREST

      The real party in interest to the present application is Hewlett-Packard Development Company, LP, a limited partnership established under the laws of the State of Texas and having a principal place of business at 20555 S.H. 249 Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware Corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holdings, LLC.

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RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences related to the present application.

STATUS OF CLAIMS

Claims 1-11 and 13-45 are pending in this application, stand rejected, are the subject of this Appeal, and are reproduced in the accompanying appendix. Claim 12 has been cancelled.

STATUS OF AMENDMENTS

No Amendment After Final Rejection has been entered.

SUMMARY OF CLAIMED SUBJECT MATTER

The invention claimed in claim 1 is directed to a method of obtaining user feedback relating to items displayable on a device 500, the method comprising displaying on the device a view of a said displayable item, a first activatable transport-control element 600 with associated first semantic information, and a second activatable transport-control element 601 with associated second semantic information that is different from said first semantic information; and responding to activation of a said transport-control element both by moving the displayed item view within or between displayable items and by storing or outputting data indicative of the semantic information associated with the activated element, the item-view move that is effected as a result of activation of a said transport-control element being the same whichever of said elements is activated (p. 14. l. 4 - p. 18 l. 27, Figs. 5-9).

The invention claimed in claim 11 is directed to a method of obtaining feedback data from a plurality of users of one or more on line services, the method comprising displaying a set of transport-control elements 600, 601 for transporting in a same direction between display views comprising said online service; and for each said transport-control element, presenting an associated information describing a type of experience which said user has encountered that is different from each other said transport-control element (p. 14. l. 4 - p. 18 l. 27, Figs. 5-9).

The invention claimed in claim 13 is directed to a user device 500 arranged to obtain user feedback relating to items displayable by the device, the device comprising a display; and

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a display control arrangement for displaying on the display a view of a said displayable item, a first activatable transport-control element 600 with associated first semantic information that is indicative of a user's experience in respect of a displayed item, and a second activatable transport-control element 601 with associated second semantic information that is indicative of a user's experience in respect of a displayed item and is different from said first semantic information; the control arrangement being arranged to respond to user activation of a said transport-control element both by moving the displayed item view within or between displayable items and by storing or outputting data indicative of the semantic information associated with the activated element, the item-view move that is effected as a result of activation of a said transport-control element being the same whichever of said elements is activated (p. 14. l. 4 - p. 18 l. 27, Figs. 5-9).

The invention claimed in claim 25 is directed to a computer-readable medium encoded with a computer program for causing a computing entity 500 to operate to display on the computing entity a view of a displayable item, a first activatable transport-control element 600 with associated first semantic information, and a second activatable transport-control element 601 with associated second semantic information that is different from said first semantic information; and respond to activation of a said transport-control element both by moving the displayed item view within or between displayable items and by storing or outputting data indicative of the semantic information associated with the activated element, the item-view move that is effected as a result of activation of a said transport-control element being the same whichever of said elements is activated (p. 14. l. 4 - p. 18 l. 27, Figs. 5-9).

The invention claimed in claim 32 is directed to a web page stored on a storage medium, the web page comprising page content data, a first activatable transport-control element 600 with associated first semantic information, a second activatable transport-control element 601 with associated second semantic information that is different from said first semantic information, the transport-control elements and their associated semantic information being intended for display by a browser 509 along with said page content data; and control script code for causing a browser, when displaying the web page, to respond to activation of a said transport-control element both by moving the displayed page view within or between web pages and by storing or outputting data indicative of the semantic information associated with the activated element, the

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page-view move that is effected as a result of activation of a said transport-control element being the same whichever of said elements is activated (p. 14. l. 4 - p. 18 l. 27, Figs. 5-9).

The invention claimed in claim 40 is directed to a web server 501 including processing means 512 arranged to generate a web page comprising page content data, a first activatable transport-control element 600 with associated first semantic information, a second activatable transport-control element 601 with associated second semantic information that is different from said first semantic information, the transport-control elements and their associated semantic information being intended for display by a browser 509 along with said page content data; and control script code for causing a browser, when displaying the web page, to respond to activation of a said transport-control element both by moving the displayed page view within or between web pages and by storing or outputting data indicative of the semantic information associated with the activated element, the page-view move that is effected as a result of activation of a said transport-control element being the same whichever of said elements is activated (p. 14. l. 4 - p. 18 l. 27, Figs. 5-9).

The invention claimed in claim 41 is directed to a service provider computer entity 501 adapted for providing an online accessible service, said computer entity comprising a web server application 517 capable of serving website pages to a plurality of user browsers 509; and a message generation component 520 for, upon activation of a transport-control element of the browser, causing the passing to a said browser requesting a website page, one of a plurality of information items associated with respective ones of a plurality of such transport-control elements 600, 601, 602, 603 of the browser, respective ones of said information items describing a positive aspect and a negative aspect of an experience of the website page served by said computer entity (p. 14. l. 4 - p. 18 l. 27, Figs. 5-9).

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Issue 1:   Whether claims 1-11 and 13-45 are patentable under 35 U.S.C. 102(e) over U.S. Patent Publication No. 2002/0087526 to Rao.

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ARGUMENT

**Issue 1:   Whether claims 1-11 and 13-45 are patentable under 35 U.S.C. 102(e) over
U.S. Patent Publication No. 2002/0087526 to Rao.**

In the final Office Action of October 30, 2007, the Examiner rejects claims 1-11 and 13-
under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Publication No. 2002/0087526 to
Rao. In his previous submission, Appellant submitted a detailed discussion explaining why he is
compelled to disagree with the Examiner.

In particular, Appellant noted that he does not agree with the Examiner's assertion that
Rao discloses the claimed "responding to activation of a said transport-control element both by
moving the displayed item view within or between displayable items and by storing or outputting
data indicative of..." The Examiner cites to ¶[0047] of Rao as allegedly disclosing this
limitation, but this paragraph in fact reads:

> Yet another optional aspect of the invention provides users with a rating box when
> the user seeks to leave the web page they are currently viewing. For example, *when a*
> *user selects the "forward" or "backward" button* on their web browser, *a rating box appears*
> that asks them to rate the page they are currently viewing. *Upon entry of their rating*
> (usually by simply selecting a rating value with one click of a mouse), *the user is*
> *immediately directed to the "forward" or "backward" page* that they have requested. In this
> manner, the user provides meaningful feedback on the web sites they are viewing
> with a minimum of time and effort. Similarly, if the user seeks to leave a current web
> page by entering a new URL or by going to a linked page, the rating box appears and
> requests a rating for the currently viewed page. In such implementations, after
> providing the rating, the user is automatically sent to the newly entered URL or to
> the link that they have selected. [emphasis added]

Thus, and contrary to the Examiner's understanding, Rao responds to activation of a
transport-control element not by both moving the displayed item and storing/outputting data - in
fact, it does neither, because Rao responds to activation of a transport-control element (i.e.
forward or back button) by *causing a rating box to appear*, and it is only after the user has
entered a selection in this rating box that the displayed item is moved and data is outputted.

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Appellant thus noted that the language of Rao is very clear and not open to any alternative interpretations - in response to the back/forward button being activated, a rating box appears and nothing more. To put it plainly, Appellant explained, Rao requires two clicks and Appellant only one.

The Examiner presently retorts that "the examiner considers 'the item-view move that is effected as a result of activation of a said transport-control element being the same whichever of said elements is activated' to be in moving between web pages using 'forward' or 'backward' button, the rating box is outputted in both cases." (bottom of p. 10 of the Action). Appellant respectfully submits that the Examiner has not comprehended Appellant's earlier argument. The claims very clearly recite that (e.g. claim 1) responding to activation of a said transport-control element **both** by (1) moving the displayed item view within or between displayable items and (2) by storing or outputting data indicative of the semantic information associated with the activated element, the item-view move that is effected as a result of activation of a said transport-control element being the same whichever of said elements is activated. The Examiner seems to focus on the fact that the item-view move is the same regardless of which button is activated, and completely ignores the plainly-stated fact that Rao *responds to activating a button by causing a rating box to appear*. Rao does not respond to activating a button by either of moving the displayed item view nor storing or outputting associated data. To put it very plainly, when Appellant's user pushes the "Back" button, the browser moves back to the previous page and stores an indication of which particular "Back" button the user pushed. In complete contrast, when Rao's user pushes the "Back" button, a rating box appears.

Furthermore, Appellant respectfully submits that the Examiner's logic, whereby he "considers 'the item-view move that is effected as a result of activation of a said transport-control element being the same whichever of said elements is activated' to be in moving between web pages using 'forward' or 'backward' button, the rating box is outputted in both cases," is faulty on its very face. It makes eminent sense that selecting the "forward" button in a browser will not effect the same item-view move (i.e. display the same web page) as selecting the "backward" button. The Examiner conveniently ignores this basic fact and tries to overcome it by alleging that in fact Rao's displaying of the rating box corresponds to the claimed "item-view move." Of course, this logic fails in light of the plain language of the claims, which very clearly

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recite that the item-view move entails "moving the displayed item view *within or between displayable items*." Displaying the same exact rating box each time a link is activated is not moving between displayable items.

In view of the above, Appellant respectfully submits for the Board's consideration that the Examiner's interpretation of the prior art in view of the claims is erroneous, and that claim 1, is in fact novel over the art on record. Claims 2-10 depend from claim 1 and Appellant therefore respectfully submits that these claims are also allowable at least by virtue of their dependency. Appellant further submits that the above discussion of the novelty of claim 1 is equally probative of the novelty and allowability of independent claims 13, 25, 32 and 40 because they each recite a limitation that is missing from Rao. Furthermore, claims 14-24 depend from claim 13, claims 26-31 depend from claim 25, and claims 33-39 depend from claim 32. Appellant therefore respectfully submits that claims 13-40 are also allowable.

With respect to claim 11, the Examiner insists that this claim is anticipated because Rao allegedly "shows search result link (elements 56-64 of fig. 4) with associated rating fields. In addition, each link description has different semantic information from other link description." Appellant submits that the Examiner appears to have confused claim 11 with some of the other claims, as there is no mention of semantic information in claim 11. Rather, claim 11 recites for each said transport-control element, presenting an associated information describing a type of experience which said user has encountered that is different from each other said transport-control element. Clearly, in Rao the rating fields are all <u>identical</u>, as plainly seen in Fig. 4 that is cited to by the Examiner. Thus, regardless of which link (transport-control element) the user of Rao selects, he will do so by selecting one of several ratings in a rating field that is associated with each link and that is identical to the rating fields associated with all other links. This is clearly not the same as the claimed presenting an associated information describing a type of experience which said user has encountered that is different from each other said transport-control element - in fact, it is the exact opposite: it is presenting an associated information describing a type of experience which said user has encountered that is <u>the same</u> as all other said transport-control elements. For the above reasons, Appellant respectfully submits that claim 11 is also novel and patentable over the art on record.

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* * *

CONCLUSION

For the many reasons advanced above, Appellant respectfully contends that each pending claim is patentable and reversal of all rejections and allowance of the case is respectfully solicited.
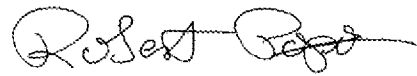
I hereby certify that this document is being transmitted to the Patent and Trademark Office via electronic filing.

Respectfully submitted,

March 31, 2008
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CLAIMS APPENDIX

1.   A method of obtaining user feedback relating to items displayable on a device, the method comprising:

displaying on the device a view of a said displayable item, a first activatable transport-control element with associated first semantic information, and a second activatable transport-control element with associated second semantic information that is different from said first semantic information; and

responding to activation of a said transport-control element both by moving the displayed item view within or between displayable items and by storing or outputting data indicative of the semantic information associated with the activated element, the item-view move that is effected as a result of activation of a said transport-control element being the same whichever of said elements is activated.

2.   A method according to claim 1, wherein said displayable items are web pages, the device running a web browser for viewing the web pages.

3.   A method according to claim 2, wherein the transport-control elements are displayed as part of the web browser interface, independently of a currently-displayed web page.

4.   A method according to claim 3, wherein the semantic information is provided from externally of the device.

5.   A method according to claim 2, wherein the transport-control elements are displayed as part of a currently displayed web page.

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6.   A method according to claim 1, wherein said semantic information comprises text data.

7.   A method according to claim 1, wherein said semantic information comprises a graphics information.

8.   A method according to claim 1, wherein said data comprises a first message type that is output every time said first transport-control element is activated, and a second message type that is output every time said second transport-control element is activated.

9.   A method according to claim 1, wherein: said first semantic information comprises information describing a positive aspect; and said second semantic information comprises information describing a negative aspect.

10.   A method according to claim 9, further comprising displaying a third transport control element with associated third semantic information describing a neutral aspect.

11.   A method of obtaining feedback data from a plurality of users of one or more on line services, said method comprising:

        displaying a set of transport-control elements for transporting in a same direction between display views comprising said online service; and

        for each said transport-control element, presenting an associated information describing a type of experience which said user has encountered that is different from each other said transport-control element.

12. (canceled)

13.   A user device arranged to obtain user feedback relating to items displayable by the device, the device comprising:

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a display; and

a display control arrangement for displaying on the display a view of a said displayable item, a first activatable transport-control element with associated first semantic information that is indicative of a user's experience in respect of a displayed item, and a second activatable transport-control element with associated second semantic information that is indicative of a user's experience in respect of a displayed item and is different from said first semantic information;

the control arrangement being arranged to respond to user activation of a said transport-control element both by moving the displayed item view within or between displayable items and by storing or outputting data indicative of the semantic information associated with the activated element, the item-view move that is effected as a result of activation of a said transport-control element being the same whichever of said elements is activated.

14.   A device according to claim 13, wherein said displayable items are web pages, the display control arrangement comprising a web browser for viewing the web pages.

15.   A device according to claim 14, wherein the browser is arranged to display said transport-control elements as part of the web browser interface, independently of any currently-displayed web page.

16.   A device according to claim 15, wherein the device is arranged to receive said semantic information from externally of the device.

17.   A device according to claim 14, wherein the transport-control elements are part of a currently displayed web page.

18.   A device according to claim 13, wherein said semantic information comprises text data.

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19.   A device according to claim 13, wherein said semantic information comprises a graphics information.

20.   A device according to claim 13, wherein the control arrangement is arranged to output said data as a first message type every time said first transport-control element is activated, and as a second message type every time said second transport-control element is activated.

21.   A device according to claim 13, wherein:

said first semantic information comprises information describing a positive user experience; and

said second semantic information comprises information describing a negative user experience.

22.   A device according to claim 21, wherein the control arrangement is further arranged to display a third transport control element with associated third semantic information describing a neutral user experience.

23.   A device according to claim 13, wherein said information describing a user's experience is selected from the set comprised of:

information determining whether a user found/did not find what-they wanted;

information describing whether a user had a good/bad experience; and

information describing whether a user had a satisfactory/unsatisfactory experience.

24.   A device according to claim 14, wherein the control arrangement is arranged to send said data to an address associated with a website that provided the currently displayed page.

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25.   A computer-readable medium encoded with a computer program for causing a computing entity to operate to:

display on the computing entity a view of a displayable item, a first activatable transport-control element with associated first semantic information, and a second activatable transport-control element with associated second semantic information that is different from said first semantic information; and

respond to activation of a said transport-control element both by moving the displayed item view within or between displayable items and by storing or outputting data indicative of the semantic information associated with the activated element, the item-view move that is effected as a result of activation of a said transport-control element being the same whichever of said elements is activated.

26.   A computer-readable medium encoded with a computer program according to claim 25, wherein said semantic information comprises text data.

27.   A computer-readable medium encoded with a computer program according to claim 25, wherein said semantic information comprises a graphics information.

28.   A computer-readable medium encoded with a computer program according to claim 25 in the form of a web browser product for displaying web pages that constitute said items.

29.   A computer-readable medium encoded with a computer program according to claim 25, wherein said data comprises a first message type that is output every time said first transport-control element is activated, and a second message type that is output every time said second transport-control element is activated.

30.   A computer-readable medium encoded with a computer program according to claim 25, wherein:

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said first semantic information comprises information describing a positive aspect; and

said second semantic information comprises information describing a negative aspect.

31.   A computer-readable medium encoded with a computer program according to claim 25, further comprising causing the computing entity to operate to display a third transport control element with associated third semantic information describing a neutral aspect.

32.   A web page stored on a storage medium, the web page comprising:

page content data, a first activatable transport-control element with associated first semantic information, a second activatable transport-control element with associated second semantic information that is different from said first semantic information, the transport-control elements and their associated semantic information being intended for display by a browser along with said page content data; and

control script code for causing a browser, when displaying the web page, to respond to activation of a said transport-control element both by moving the displayed page view within or between web pages and by storing or outputting data indicative of the semantic information associated with the activated element, the page-view move that is effected as a result of activation of a said transport-control element being the same whichever of said elements is activated.

33.   A web page according to claim 32, wherein said semantic information comprises text data.

34.   A web page according to claim 32, wherein said semantic information comprises a graphics information.

35.   A web page according to claim 32, wherein said script code is arranged to cause the browser to output, as said data, a first message type every time said first transport-control element is activated, and a second message type every time said second transport-control element is activated.

36.   A web page according to claim 32, wherein:

said first semantic information comprises information describing a positive aspect; and

said second semantic information comprises information describing a negative aspect.

37.   A web page according to claim 36, wherein the script code is further arranged to cause the browser to display a third transport control element with associated third semantic information describing a neutral aspect.

38.   A web page according to claim 32, wherein said page is divided into at least a first frame containing said transport-control elements with their associated information, and a second frame containing said content data.

39.   A web page according to claim 32, wherein the storage medium is a web server.

40.   A web server including processing means arranged to generate a web page comprising:

page content data, a first activatable transport-control element with associated first semantic information, a second activatable transport-control element with associated second semantic information that is different from said first semantic information, the transport-control elements and their associated semantic information being intended for display by a browser along with said page content data; and

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control script code for causing a browser, when displaying the web page, to respond to activation of a said transport-control element both by moving the displayed page view within or between web pages and by storing or outputting data indicative of the semantic information associated with the activated element, the page-view move that is effected as a result of activation of a said transport-control element being the same whichever of said elements is activated.

41.   A service provider computer entity adapted for providing an online accessible service, said computer entity comprising:

a web server application capable of serving website pages to a plurality of user browsers; and

a message generation component for, upon activation of a transport-control element of the browser, causing the passing to a said browser requesting a website page, one of a plurality of information items associated with respective ones of a plurality of such transport-control elements of the browser, respective ones of said information items describing a positive aspect and a negative aspect of an experience of the website page served by said computer entity.

42.   A computer entity according to claim 41, wherein said information comprises a text description of a positive information type and a text description of a negative information type.

43.   A computer entity according to claim 41, wherein said information comprises a graphical representation of a positive type and a graphical representation of a negative type.

44.   A computer entity according to claim 41, wherein said information comprises information selected from the set comprised of information constructed for eliciting an objective response; and information constructed for eliciting a subjective response.

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45.   A computer entity according to claim 41, wherein said web server application is arranged to provide the information generated by the message generation component to the requesting browser in association with the requested web page.

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EVIDENCE APPENDIX

There is no evidence submitted with the present Brief on Appeal.

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RELATED PROCEEDINGS APPENDIX

There are no other appeals or interferences related to the present application.